

REMARKS

I. Status Summary

Claims 1-6 are pending in the present U.S. patent application and claims 1-4, have been subject to examination. New claims 5-6 are added herein.

The Patent Office has rejected claims 1-4 under 35 USC § 112, second paragraph, as allegedly being vague and indefinite. In addition, the Patent Office has indicated that peptides comprising SEQ ID NOs: 1-5 and peptides containing at least residues 22-65 of SEQ ID NOs: 1-4 are free of the prior art. Accordingly, the Patent Office has stated that claims 1-4 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, set forth in the Official Action.

II. Claim Amendments

Claim 1 has been amended at the preamble to recite "A clinical diagnostic reagent for testing infection of a subject with adult *Taenia solium* and *Taenia saginata*." Claim 1 has been further amended to recite "an isolated peptide comprising: (a) at least residues 22 -65 of any one of amino acid sequences SEQ ID NOs: 1 to 4, or (b) an amino acid sequence of SEQ ID NO: 5". Support for these amendments can be found throughout the claims and specification as filed. In particular, support can be found at original claims 3 and 4 for "a subject with". Support for an isolated peptide comprising residues 22-65 of any one of amino acid sequences SEQ ID NOs: 1 to 4, or an amino acid sequence of SEQ ID NO: 5 is found, in particular, at Examples 1 and 2 of the specification and Figures 1 and 2. Accordingly, no impermissible new matter has been added by these claim amendments.

Claim 2 has been amended at the preamble to recite: "A diagnostic method for testing infection of a subject with adult *Taenia solium* and *Taenia saginata*." Claim 2 is further amended by addition of a first step directed to obtaining serum from a subject, and a third and fourth step directed to detecting whether the serum reacts with the isolated peptide of the clinical diagnostic reagent and correlating a reaction of the serum with the isolated peptide as indicative of infection of the subject with

adult *Taenia solium* and/or *Taenia saginata*. Support for these amendments can be found throughout the claims and specification as filed. In particular, support can be found at original claims 3 and 4, at pages 5-6 of the specification, at Examples 1 and 2 and at Figures 1 and 2. Accordingly, no impermissible new matter has been added by these claim amendments.

Claim 3 has been amended to depend from claim 2 and includes the original elements wherein the isolated peptide is on a fixed support and wherein the detection method is using a labeled probe. Support for these amendments can be found throughout the claims and specification as filed. In particular, support can be found at original claim 3. Accordingly, no impermissible new matter has been added by these claim amendments.

Claim 4 has been amended in a manner similar to claim 1 to recite "an isolated peptide comprising: (a) at least residues 22 -65 of any one of amino acid sequences SEQ ID NOs: 1 to 4, or (b) an amino acid sequence of SEQ ID NO: 5". Support for these amendments can be found throughout the claims and specification as filed. For example, support for an isolated peptide comprising residues 22-65 of any one of amino acid sequences SEQ ID NOs: 1 to 4, or an amino acid sequence of SEQ ID NO: 5 is found, in particular, at Examples 1 and 2 of the specification and Figures 1 and 2. Accordingly, no impermissible new matter has been added by these claim amendments.

New dependent claims 5 and 6 have been added which recite specific labels and probes of claim 3. Support for these claims can be found throughout the claims and specification as filed. Support is found, in particular, at page 6, lines 2-8, of the specification. Accordingly, no impermissible new matter has been added by these claim amendments.

III. Response to Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-4 are rejected under 35 USC § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter. Without acquiescing to the contention of the USPTO, claims 1-4 have been amended in an effort to overcome this rejection. Specifically, claims 1-4 have been amended to

recite that the diagnostic reagent has been "isolated". Claims 1-3 have been amended to recite testing of a subject with adult *Taenia solium* and/or *Taenia saginata*. Claims 1, 3 and 4 have been amended by deletion of the phrase "of residues 20-85" so that the claims now just refer to amino acids 22-65 of SEQ ID NOs: 1-4.

Claim 2 has been amended by addition of a first step directed to obtaining serum from a subject, and a third and fourth step directed to detecting whether the serum reacts with the isolated peptide and correlating a reaction of the serum with the isolated peptide as indicative of infection of the subject with adult *Taenia solium* and/or *Taenia saginata*.

Claim 3 has been amended to depend from claim 2, which has been amended as described herein above to contain detecting and correlating steps. Claim 3 now recites that the isolated peptide is detected using a labeled probe and the "subjecting" steps have been deleted. Applicants point out that the labeled probe in claim 3 can be a labeled antibody (secondary) as described in the specification, for example, at page 6, lines 2-8. Applicants disagree with the Patent Office's contention at page 3 of the Official Action alleging that claim 3 is vague and confusing as it "has a probe coming in after the reaction step". Applicants respectfully assert that the sequence of method steps involving the labeled probe that are described in the specification and original claims are not confusing, and that the Patent Office has misinterpreted claim 3.

Accordingly, Applicants respectfully assert that claims 1-4, as amended, are not vague and indefinite. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-4 under § 112, second paragraph.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully

requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

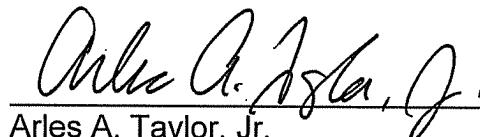
Although no fee is believed to be due, the Commissioner is hereby authorized to charge any deficiencies of payment or credit any overpayment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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